

By: Turner

To: Judiciary

## SENATE BILL NO. 2789

1 AN ACT TO AMEND SECTION 13-5-67, MISSISSIPPI CODE OF 1972, TO  
2 PERMIT THAT ALTERNATE JURORS NOT BE RELEASED UNTIL THE END OF A  
3 TRIAL; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 13-5-67, Mississippi Code of 1972, is  
6 amended as follows:[CSQ1]

7 13-5-67. Except in cases in which jury selection and  
8 selection of alternate jurors is governed by rules promulgated by  
9 the Mississippi Supreme Court, \* \* \* a circuit judge or chancellor  
10 presiding in a case in which a jury is to be used, \* \* \* in his  
11 discretion, may direct that a sufficient number of jurors in  
12 addition to the regular panel be called and impaneled to sit as  
13 alternate jurors. Alternate jurors, in the order in which they  
14 are called, shall replace jurors who \* \* \* become unable or  
15 disqualified to perform their duties. Alternate jurors shall be  
16 drawn in the same manner, shall have the same qualifications,  
17 shall be subject to the same examination and challenges for cause,  
18 shall take the same oath and shall have the same functions,  
19 powers, facilities and privileges as the regular jurors. In the  
20 discretion of the trial judge, alternate jurors who have not  
21 replaced a regular juror \* \* \* at the time the jury retires to  
22 consider its verdict may be retained, subject to the trial judge's  
23 instruction to refrain from discussion about the merits of the  
24 case, whether sequestered within or without the jury room. In the  
25 event a regular juror is excused after the jury has retired to  
26 consider its verdict, the trial judge may replace the excused

27 regular juror with an alternate juror. The trial judge shall  
28 first voir dire the next available alternate juror to assure that,  
29 during the period of sequestration, the alternate juror has not  
30 discussed with anyone the merits of the case under consideration  
31 nor received any extraneous prejudicial information about the  
32 case; and if so satisfied upon proper finding of record, the trial  
33 judge may then place said duly qualified alternate juror on the  
34 regular trial jury so that the jury may continue its deliberation.  
35 This procedure of replacing a regular juror with an alternate  
36 juror may also be utilized in either phase of a bifurcated civil  
37 or criminal jury trial. The number and manner of exercise of  
38 peremptory challenges as to alternate jurors shall be as governed  
39 by rules promulgated by the Mississippi Supreme Court.

40 SECTION 2. This act shall take effect and be in force from  
41 and after July 1, 2000.